

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOVABLE BARRIER
OPERATOR SYSTEMS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1209

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING AN UNOPPOSED MOTION FOR PARTIAL
TERMINATION OF THE INVESTIGATION AS TO CERTAIN PATENT CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 8) of the presiding administrative law judge (“ALJ”) granting an unopposed motion for partial termination of the investigation as to certain patent claims based on the withdrawal of the complaint allegations as to those claims.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On August 10, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Overhead Door Corporation of Lewisville, Texas and GMI Holdings Inc. of Mount Hope, Ohio (collectively, “Complainants”). *See* 85 FR 48264-65 (Aug. 10, 2020). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain movable barrier operator systems and components thereof by reason of infringement of U.S. Patent Nos. 8,970,345 (“the ’345 Patent”); 9,483,935; 7,173,516; 7,180,260; 7,956,718; and 8,410,895. *See id.* The notice of investigation names The Chamberlain Group, Inc. of Oak Brook, Illinois (“Chamberlain” or Respondent) as a respondent in this investigation. *See id.* The Office of Unfair Import Investigations is not a party to the investigation. *See id.*

On December 4, 2020, Complainants filed an unopposed motion (“Motion”) pursuant to Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), for partial termination of the investigation with respect to claims 2 and 17 of the ’345 patent based on the withdrawal of the complaint allegations as to those claims. No response was filed.

On December 17, 2020, the ALJ issued the subject ID (Order No. 8) granting the Motion. In accordance with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), the ID notes that Complainants represent that “there are no agreements, written or oral, express or implied, among the parties concerning the subject matter of this Investigation or [Complainants’] Motion for Partial Termination of this Investigation.” *See* ID at 2. In addition, the ID finds “that there are no extraordinary circumstances that warrant denying the [M]otion.” *See id.* No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. Claims 2 and 17 of the ’345 patent are terminated from the investigation.

The Commission’s vote for this determination took place on January 5, 2021.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: January 5, 2021